

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EZEKIEL CAREY KNOX,

Plaintiff,

v.

KERN COUNTY SUPERIOR COURT, et al.,

Defendants.

Case No. 1:22-cv-00099-AWI-SAB

ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS
WITHOUT PREJUDICE AND REQUIRING
PLAINTIFF TO FILE TO FILE LONG
FORM APPLICATION WITH CERTIFIED
COPY OF TRUST ACCOUNT
STATEMENT

(ECF No. 2)

THIRTY DAY DEADLINE

Ezekiel Carey Knox (“Plaintiff”), currently incarcerated at the Kern County Lerdo Facility and proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Along with the complaint, Plaintiff filed an application to proceed without prepayment of fees in this action. (ECF No. 2.)

Plaintiff’s application is not properly completed as Plaintiff did not attach a certified copy of his trust account statement showing transactions for the past six months as required. Further, the Plaintiff declares that he receives income from business, profession, or other self-employment, however, Plaintiff does not describe the amount and types of such income as required by the application. (ECF No. 2 at 1.) Additionally, Plaintiff declares that he owns three vehicles, a BMW worth \$8,000, and two Mercedes Benz vehicles, worth \$3,400 and \$2,800, respectively. (*Id.* at 2.) Plaintiff declares assets in the form of clothes and shoes, worth \$15,000.

1 (Id.) Finally, Plaintiff states he provides at least \$15,000 to \$20,000 in support for his 8 children.

2 (Id.)

3 Given the above facts and lack of trust account statement, the Court is unable to
4 determine if Plaintiff is entitled to proceed without prepayment of fees in this action. Because of
5 the proffered various assets and expenses listed by Plaintiff, the Court shall require Plaintiff to
6 complete and file an Application to Proceed in District Court Without Prepaying Fees or Costs
7 (Long Form) – AO 239. If Plaintiff is unwilling to complete and submit the long form
8 application, Plaintiff must pay the filing fee in full. Additionally, **Plaintiff is forewarned that**
9 **the Court will ensure the information provided under penalty of perjury in the long form**
10 **application is consistent with the information already provided to the Court.**

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's application to proceed *in forma pauperis* is HEREBY DENIED without
13 prejudice;
- 14 2. The Clerk of the Court is directed to forward an Application to Proceed in District
15 Court Without Prepaying Fees or Costs (Long Form) – AO 239 to Plaintiff;
- 16 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall either
17 (1) pay the \$402.00 filing fee for this action, or (2) complete and file the enclosed
18 Application to Proceed in District Court Without Prepaying Fees or Costs (Long
19 Form) – AO 239 with a certified copy of his trust account statement showing
20 transactions for the past six months; and
- 21 4. Failure to file a complete application to proceed *in forma pauperis* in compliance
22 with this order will result in the recommendation that this action be dismissed.

23 IT IS SO ORDERED.

24 Dated: **January 26, 2022**

25 
26 UNITED STATES MAGISTRATE JUDGE
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